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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of	)	
	)	
Preemption of Local Zoning	)	IB Docket No. 95-59
Regulation of Satellite	)	
Earth Stations	)	
	)	
Implementation of Section 207 of the	)	CS Docket No. 96-83
Telecommunications Act of 1996	)	

**FURTHER COMMENTS OF  
UNITED STATES SATELLITE BROADCASTING COMPANY, INC.**

United States Satellite Broadcasting Company, Inc. ("USSB"), by its attorneys, hereby files these Further Comments pursuant to the *Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking* released by the Commission in the above-referenced docket on August 6, 1996 ("Order").

**I. Introduction**

1. USSB is a DBS licensee providing video services by satellite directly to subscribers' homes via DSS™ receive equipment, which includes an 18-inch antenna. The DSS™ system is sold throughout the continental United States. Using the DSS™ equipment, owners may subscribe to the programming services offered by USSB, as well as those of DirecTV.

2. In its Order, the Commission seeks comment with respect to three basic issues: viz., first, whether, and if so how, to extend the preemption rule<sup>1</sup> to situations in which antennas may be installed on common property for the benefit of one with an

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<sup>1</sup> The "preemption rule" refers to Section 25.104 of the Commission's Rules as amended in the Order.

ownership interest or on a landlord's property for the benefit of a renter;<sup>2</sup> second, on the technical and practical feasibility of an approach that would allow the placement of over-the-air reception devices on rental or commonly-owned property;<sup>3</sup> third, on its legal authority to prohibit nongovernmental restrictions that impair reception by viewers who do not have exclusive use or control and a direct or indirect ownership interest in the property.<sup>4</sup> USSB addresses each of these issues in turn.

## II. Application of the Preemption to Situations In Which Renters Seek to Install Satellite Antennas.

3. USSB urges the Commission to implement Section 207 of the Telecommunications Act of 1996<sup>5</sup> (the "1996 Act") as it is written and as Congress intended it be implemented, and not to draw a distinction between viewers who own property and viewers who do not. Section 207 of the 1996 Act directs the Commission to "promulgate regulations to *prohibit* restrictions that impair a *viewer's* ability to receive video programming services through devices designed for . . . direct broadcast satellite services." (Emphasis added.)

4. The plain language of Section 207 draws no distinction between viewers who own property and viewers who rent. Just as Congress made it plain that the Commission was to prohibit restrictions that impair a viewer's ability to receive video programming services through devices designed for direct broadcast services, so it also made

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<sup>2</sup> Order at ¶ 63.

<sup>3</sup> *Id.* at ¶ 63.

<sup>4</sup> *Id.* at ¶ 64.

<sup>5</sup> Pub. L. No. 104-104, 110 Stat. 56 (1996).

it plain that it was the access of a *viewer* -- not a "property owner" -- to such services that was to be protected. More broadly, the 1996 Act was enacted:

to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to *all Americans* by opening all telecommunications markets to competition . . . .<sup>6</sup>

Nothing in the 1996 Act implies that the entitlement of property owners to receive direct broadcast satellite services is any greater than that of renters. The Commission's conferment of the right to receive multi-channel video services based upon home ownership is a distinction contrary to the constitutional concept of equality and clearly not in the public interest. Indeed, to the extent renters are, for economic reasons, unable to own a home, the greater is their need for competitively provided alternative services. A substantial number of renters are no less entitled to the benefits of Section 207.

5. For the Commission to begin drawing such distinctions would be a major incursion into the deregulated landscape mapped out by Congress in the 1996 Act, an incursion USSB opposes. It is precisely this type of disagreement and debate -- whether consumers of video delivery systems should be limited in the services they may choose from and enjoy because of regulation, or whether they should reap the benefits of an unobstructed market -- that the 1996 Act was intended to obviate: Congress was not concerned with the nature of the property interest a viewer had; rather, it was concerned that a wide array of video signals be made available to *all* viewers in a vibrant, competitive marketplace.

6. USSB therefore views Community's proposal -- that a restriction should not be prohibited on individually owned or controlled property if a community association

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<sup>6</sup> H.R. Conf. Rep. No. 458, 104th Cong., 1st Sess. at 1. (Emphasis added.)

makes video programming available to any resident wishing to subscribe to such programming at no greater cost and with equivalent quality as would be available from an individual antenna installation<sup>7</sup> -- with a certain measure of apprehension. Such a policy would open the way for community associations to cut off viewer's access to DBS service by contending baldly that a cable system is of "equivalent quality" to a DBS service, despite the fact that what may make a viewer want to subscribe to a DBS service is its very superiority to cable *to that viewer*. For various reasons, a viewer may prefer DBS to cable.<sup>8</sup> Indeed, the whole of these proceedings would not have taken place had impediments to implementation of that preference not existed.

7. The Commission should implement Section 207 to preserve viewer choice to the greatest extent possible and not allow soft, easily manipulable standards such as "equivalent quality" to further frustrate the ability of viewers to receive their video through their delivery system of choice. USSB proposes that, at the very least, community associations and landlords provide the opportunity for DBS to be available to viewers who want it from central reception facilities. These types of facilities, as described more fully below, would ensure that viewer choice is maximized, as intended by the 1996 Act, while also obviating some of the concerns relating to aesthetics expressed by community associations.

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<sup>7</sup> Order at ¶ 49.

<sup>8</sup> For example, DBS provides more channels, digital quality picture and sound, greater selection of pay-per-view programming, parental controls, second-language capabilities and an interactive program guide.

III. Placement of Over-the-Air Reception Devices on Rental or Commonly-Owned Property is Technically and Practically Feasible and Obviates Community Groups' Aesthetic Concerns

8. Because installing a separate dish on each dwelling unit of a MDU may, in a few cases, be impractical,<sup>9</sup> USSB and DirecTV, working with equipment manufactures, have devised ways to install a common antenna for MDU's that make multiple antenna installation unnecessary. Placing satellite reception devices on rental or commonly-owned property is thus clearly technically and practically feasible.

9. A basic way to distribute DSS without requiring individual antennas exists via special MDU antennas and hardware which would allow each viewer's dwelling unit to have its own individually addressable receiver. DSS distribution via special MDU antennas and hardware would be most desirable from a pro-competition or business standpoint. Several possible systems exist, depending on the manufacturer and size of the MDU.<sup>10</sup> USSB notes that the Commission should not rule out other methods of connecting individual dwellings in MDU's to common antennas.

10. USSB also notes that the Commission should implement rules that guard against exclusive deals between building owners and property management companies with cable companies, whereby cable companies agree to install and provide service contingent upon the landlord's not doing business with, or not providing access for tenants to receive service from, other competitive service providers.

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<sup>9</sup> In some cases, an individual dwelling unit may not have the required southern exposure, terrain may obstruct the path to the satellite, or the building may lack a suitable mounting surface. Such factors would be no different from those affecting some individual dwellings.

<sup>10</sup> See, e.g., Attachment A, which illustrates one such system, designed by RCA.

IV. There is Ample Legal Authority for the Commission to Prohibit Nongovernmental Restrictions That Impair Reception By Viewers Who Rent: The Preemption in Section 25.104 Does Not Effect A Taking

11. In its Order, the Commission concluded that "the authority bestowed upon the Commission to adopt a rule that prohibits restrictive covenants or other similar nongovernmental restrictions is not constitutionally infirm."<sup>11</sup> Nevertheless, it sought comment on whether *Loretto v. Teleprompter Manhattan CATV Corp.*<sup>12</sup> holds that a prohibition applicable to restrictions imposed on rental property or property not within the exclusive control of the viewer who has an ownership interest would constitute a taking under *Loretto*, for which just compensation would be required.<sup>13</sup> USSB submits that it would not.

12. *Loretto*, in which the Supreme Court held that a law authorizing the permanent occupation of a landlord's property by a third-party (cable company) effected a taking under the Fifth Amendment,<sup>14</sup> is a narrow holding inapplicable here.<sup>15</sup> While the Court recognized the historical rule that a permanent physical occupation of property constituted a taking, it, at the same time, recognized the equally compelling principles of

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<sup>11</sup> Order at ¶ 45.

<sup>12</sup> 458 U.S. 419 (1982).

<sup>13</sup> Order at ¶ 64.

<sup>14</sup> 458 U.S. at 440.

<sup>15</sup> See 458 U.S. at 441, where the Court stated:

Our holding today is very narrow. We affirm the traditional rule that a permanent physical occupation of property is a taking. . . . We do not, however, question the equally substantial authority upholding a State's broad power to impose appropriate restrictions upon an owner's use of his property.

broad governmental authority "to impose appropriate restrictions upon an owner's property"<sup>16</sup> and "to regulate housing conditions in general and the landlord-tenant relationship in particular without paying compensation for all economic injuries that such regulation entails."<sup>17</sup>

13. Most significantly, *Loretto* involved government authorization to a third-party to make an incursion onto a landlord's property. What distinguishes Section 25.104 from the statute in *Loretto* is the fact that it grants an entitlement to viewer's, not to providers of DBS service. The preemption, therefore, is precisely the type of regulation that the Supreme Court in *Loretto* suggested in dicta would not constitute a taking of a landlord's property.<sup>18</sup>

14. The Commission in its Order also sought comment on how *Bell Atlantic Telephone Companies v. FCC*<sup>19</sup> should affect the constitutional and legal analysis of whether the Commission has the authority to prohibit private restrictions that impair reception by viewers who rent or who do not have exclusive use or control of property.<sup>20</sup> USSB submits

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<sup>16</sup> 458 U.S. at 441.

<sup>17</sup> *Id.* at 440, citing *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964) (discrimination in places of public accommodation); *Queenside Hills Realty Co. v. Saxl*, 328 U.S. 80 (1946) (fire regulation); *Bowles v. Willingham*, 321 U.S. 503 (1944) (rent control); *Home Building & Loan Assn. v. Blaisdell*, 290 U.S. 398 (1934) (mortgage moratorium); *Edgar A. Levy Leasing Co. v. Siegel*, 258 U.S. 242 (1922) (emergency housing law); *Block v. Hirsch*, 256 U.S. 135 (1921) (rent control). "In none of these cases, however, did the government authorize the *permanent occupation* of the landlord's property by a *third party*." *Loretto*, 458 U.S. at 440 (emphasis added).

<sup>18</sup> See 458 U.S. at 440, n.19, where the Court states that if the New York statute prohibiting landlords from interfering with the installation of cable television facilities upon their property had "required landlords to provide cable installation *if a tenant so desires*, the statute might present a different question from the question before us, since the landlord would own the installation." (Emphasis added.)

<sup>19</sup> 24 F.3d 1441 (D.C. Cir. 1994).

<sup>20</sup> Order at ¶ 65.

that *Bell Atlantic* is as inapposite as *Loretto* and, therefore, has no effect. Indeed, to the extent that *Bell Atlantic* relied on *Loretto*,<sup>21</sup> its caveat -- that within the bounds of fair interpretation, statutes will be construed to defeat administrative orders that raise substantial constitutional questions<sup>22</sup> -- is simply irrelevant. The D.C. Circuit found a "substantial constitutional question" -- a taking -- was raised by a Commission order that permitted competitive access providers to locate their connecting transmission equipment in local exchange carriers' central offices.<sup>23</sup> As in *Loretto*, the fact which distinguishes the Commission's order in *Bell Atlantic* from Section 25.104 is that a third-party was directly authorized to occupy the premises of another. Again, Section 25.104 by contrast entitles all viewers, whether they be renters or owners of property, to choose their video service from a wide array of options and thus fulfills the intention of Section 207 of the 1996 Act; the video receiving facilities subject to the proscription against nongovernmental restrictions belong to the tenant viewer or the property-owner and not to the video service supplier.

15. It is not enough for property owners to complain abstractly that preempting their right to deny the installation of receiving antennas of one meter or less raises safety, security and aesthetic concerns, increases liability and insurance costs, and potentially causes property damage. The Commission's rule would take cognizance of any legitimate public safety concern. The other factors raise concerns no different from those arising when other tenant property is installed in leased property or other tenant conduct affects landlords. The same basic principles of landlord-tenant law, therefore, continue to

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<sup>21</sup> See 24 F.3d at 1445.

<sup>22</sup> *Id.* at 1441.

<sup>23</sup> *Id.* at 1445.



operate: the tenant remains liable to the landlord for damages caused to the landlord's property, and the tenant is required to restore the landlord's property to its original condition. Those same rules and laws of general applicability would apply equally to antenna installations, and landlords would not be in further jeopardy. Section 25.104 places no substantial additional burden upon landlords.

16. Finally, failure to extend the preemption to prohibitions that impair reception by viewers who rent would be an abrogation of the Commission's responsibilities under Section 207 of the 1996 Act, an abrogation that would work an injustice on a substantial portion of the viewing audience.<sup>24</sup> Members of the Congressional Black Caucus have expressed that drawing a line between viewers who own and viewers who rent would not only create a spurious distinction, but it would inflict a disparate hardship on poorer Americans who cannot afford to own their own homes that arguably amounts to redlining to many low-income neighborhoods. (See Attachment C, Letter dated July 29, 1996 from members of the Congressional Black Caucus to Chairman Reed E. Hundt.) As the Congressional Black Caucus points out, a proposal to limit the preemption to property owners "would deny access to millions of Americans . . . [and] create the ultimate "have" and "have not" situation by denying many American families access to important communications services based on their economic status."<sup>25</sup> Such a proposal must be flatly rejected because such a policy must not be tolerated.

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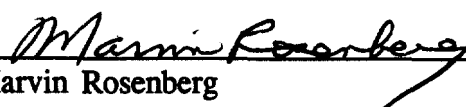
<sup>24</sup> In 1993, 33.1% of the housing units in the United States were multi-dwelling units. Of occupied dwelling units in 1993, only 64.7% were owner occupied. Further, only 43.4% of Blacks and other minorities owned their own dwellings, while 68.6% of Whites owned their dwellings. *Statistical Abstract of the United States*, 1995, Tables 1224 and 1225 (Attachment B).

<sup>25</sup> Letter dated July 29, 1996 from members of the Congressional Black Caucus to Chairman Reed E. Hundt (Attachment C).

V. Conclusion

17. For the reasons set forth in these Further Comments, the Commission should adopt Section 25.104 as equally enforceable by viewers who rent as by viewers who own property.

Respectfully submitted,

  
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WAS-194707.6

**Attachment A:  
Example of  
a SMATV System**

**RCA**  
COMMERCIAL PRODUCTS

Digital  
Satellite System

**Engineered for  
Commercial Use**

**Non-Volatile  
Memory Features**

**Built-In Frequency  
Agile Modulator**

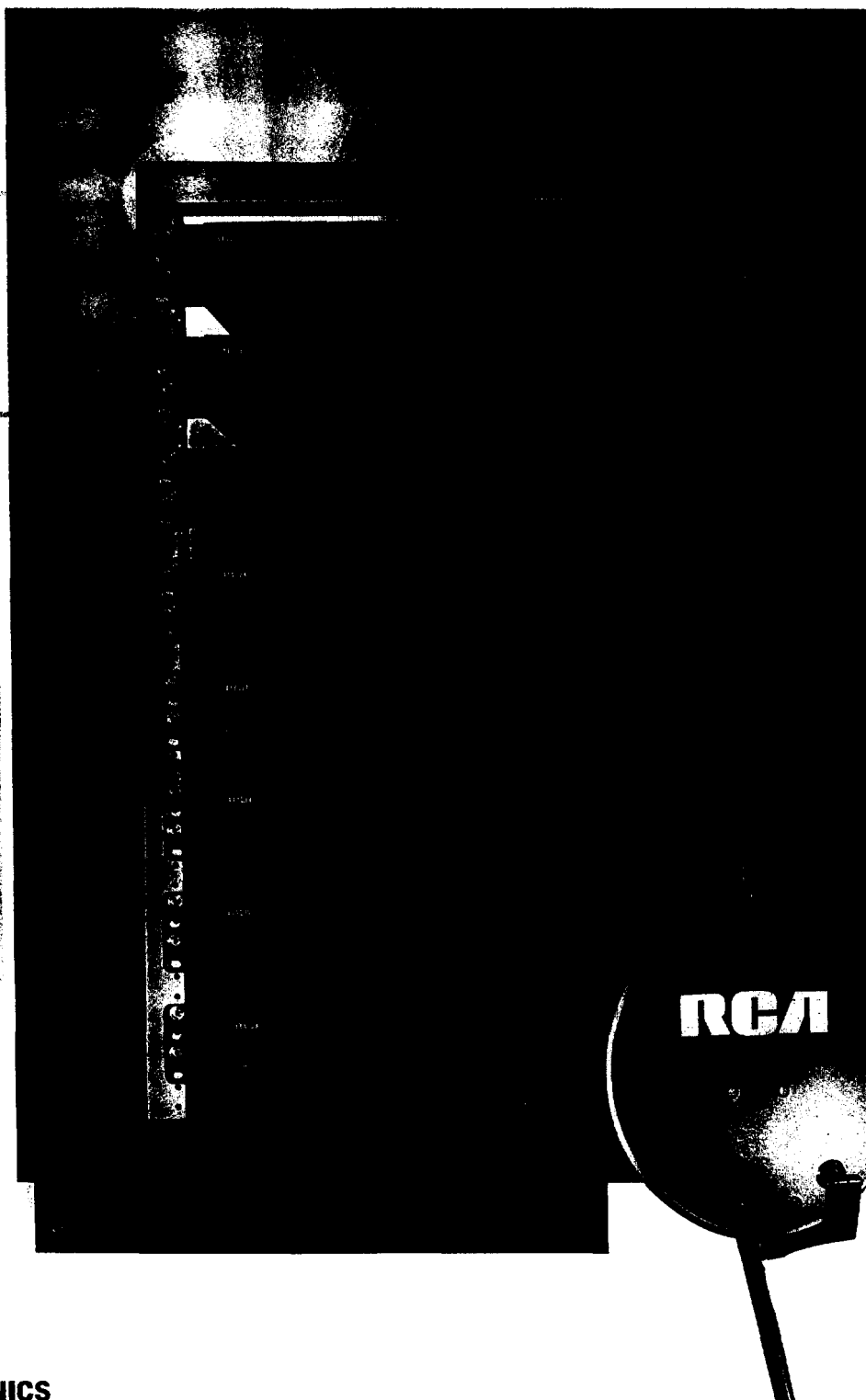
**Unique  
Entertainment  
Packages From**



U.S. Satellite Broadcasting



DIRECTV.



**THOMSON CONSUMER ELECTRONICS**

*First In Commercial Digital Television Entertainment.*

### Digital Satellite Receiver

**DCD302RA**

*Engineered for  
Commercial Use*

#### POWER LOCKOUT

Allows user to power on  
after a power failure.  
Also prevents receiver  
from being turned off.

#### CHANNEL HOLD

Receiver can be  
locked to a specific  
channel, preventing  
unauthorized  
changes.

#### BUILT-IN AGILE MODULATOR

Modulates DSS  
signal onto a selected  
TV channel. Offers a  
cost effective  
distribution option.

#### PROGRAM GUIDE HOLD

Individual program  
guide can be  
disabled, creating a  
continuous guide  
channel.

#### ■ INFRARED INPUT JACK

To control receiver with  
most current signal  
sending hardware.

#### ■ UL LISTED FOR COMMERCIAL USE

#### ■ ONE-YEAR LIMITED WARRANTY

#### ■ 30-Button Universal Remote Control\*

#### ■ 16-Color On-Screen Display {OSD}

#### ■ Hidden Access Card



**Rear Jack Panel**

### Digital Satellite Dish Antenna

**DSA201RA**

*For Commercial  
Applications*



#### **DUAL OUTPUT LNB**

Allows DSS® signal to be output  
to multiple receivers.

- 24" Width for Commercial Use
- One-Year Limited Warranty
- Light Satellite Gray Finish

### Rack Mount Kit

**IRD002K**

*Designed for  
DCD302RA*



#### **19" MOUNTING BRACKETS**

- Allows RCA DSS® receivers to be  
mounted in standard equipment racks.
- Flexible setup and security.

- UL Tested for Commercial Use
- One-Year Limited Warranty
- Satin Black Finish

## RCA DSS ACCESSORIES

#### **Multi-Switch D6214**

- Provides signal distribution  
for head-end and multiple  
location installations.
- Distributes four  
independent signals from  
dual LNB inputs.
- Optional input for  
distribution of an  
off-air/cable signal.

#### **Power Divider D2271**

- Use to build head-end  
and multiple location  
installations.
- Allows incoming signal to  
be split out to two devices.
- Works with DSS® cable,  
and off-air frequencies  
(40-2050 MHz).

#### **RG-6 Cable D996SPE**

- Offers optimal compatibility,  
reliability, and signal  
transfer with RCA  
satellite systems.
- Dual LNB cable with a  
messenger wire for proper  
grounding.
- 1000-foot bulk spool.

#### **F-Connectors D905**

- Heavy-duty, weatherproof  
construction.
- Tested under pressure to  
ensure water repellency.
- Perfect for use with bulk  
RG-6 cable (D996SPE).

## Signal Distribution Head-End Example

### EASILY ADAPTS TO YOUR CHANNEL AND LOCATION REQUIREMENTS\*

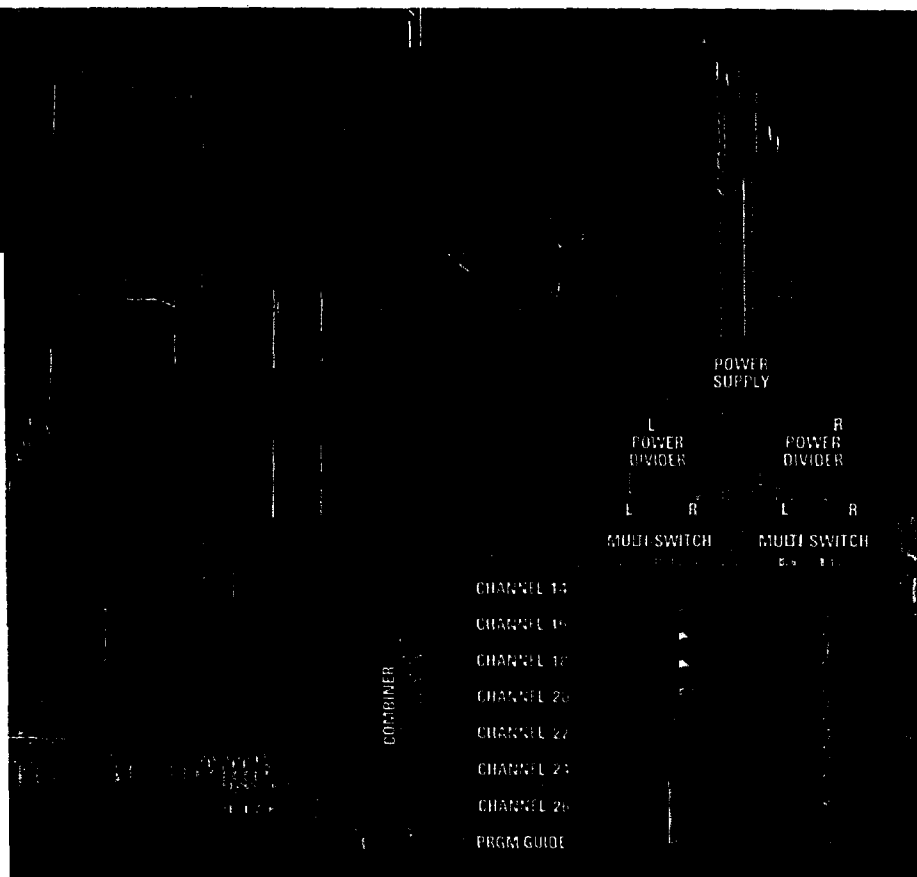
- Commercial/MDU
- Head-end/on-premise

### INTEGRATES WITH YOUR:

- Existing wiring
- Local programming

### FOR THE DSS® SOLUTION THAT'S RIGHT FOR YOU:

- Call your RCA distributor
- Or, call 1-800-333-7221



Dish shown larger than actual size

## PRODUCT SPECIFICATIONS

DCD302RA		DSA201RA	
SATELLITE RECEIVER		SATELLITE ANTENNA	
Front Panel Control	8-Button	LNB Input Frequency	12.2-12.7 GHz
Frequency Modulator	Agile 470-806 MHz	LNB Output Frequency	950-1450 MHz
Channels	UHF 14-69, Cable 65-95, 99-125	LNB Output	Twin F-Type
Direct IR Input	3.5mm Mini Jack	LNB Polarity	Dual
Remote Control	CRK91	LNB Feed	Circular
Type	Infrared, 30-Button	Dimension	24"W Parabolic
Universal Operation	Most TV Brands	Construction	Galvanized Steel
Batteries	AAA(4)	Finish	Light Satellite Gray
Power Requirements	120VAC	Shipping Weight	25.4 Lbs.
Power Consumption	24W	UPC Code	034909670590
A/V Connections	Rear Panel		
Satellite In	F-Type (950-1450MHz)		
In From Antenna	F-Type		
Out To TV	F-Type		
S-Video	4-Pin DIN		
Video	RCA-Type (2)		
R/L Audio	RCA-Type (2 Pair)		
Wideband Data Port	15-Pin D-Type		
Phone Jack	Modular RJ 11		
Dimensions	15-1/2"W x 2-1/2"H x 14-1/4"D		
Finish	Ebony Texture		
Shipping Weight	8.6 Lbs.		
UPC Code	034909670477		

IRD002K		RACK MOUNT KIT	
Installation	Orientation	Mounts In Standard 19" Rack	Front Or Back
	Access Card Door		Secured Or Accessible
Dimensions		19"W x 2-5/8"H x 14-1/8"D	
Construction		Metal	
Finish		Satin Black Epoxy	
Shipping Weight		6.3 Lbs.	
UPC Code		034909651247	

\*Additional equipment may be required.

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USSB is a registered trademark of U.S. Satellite Broadcasting company, a subsidiary of

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**Attachment B:  
Tables 1223 and 1224  
from Statistical Abstract  
of the United States, 1995**



**No. 1224. Housing Units—Historical Trends for Selected Characteristics: 1950 to 1993**

[As of April 1, except 1993, as of fall. Based on the Census of Population and Housing and American Housing Survey; see Appendix III]

CHARACTERISTIC	NUMBER OF UNITS						PERCENT DISTRIBUTION					
	1950	1960	1970	1980	1990	1993	1950	1960	1970	1980	1990	1993
<b>UNITS IN STRUCTURE</b>												
All housing units <sup>1</sup> . . . . .	45,983	58,315	67,699	86,759	102,264	106,611	100.0	100.0	100.0	100.0	100.0	100.0
1 detached . . . . .	29,116	40,103	44,801	53,596	60,383	64,283	63.3	68.8	66.2	61.8	59.0	60.3
1 attached . . . . .	2,799	3,655	1,990	3,587	5,378	6,079	6.1	6.3	2.9	4.1	5.3	5.7
2 . . . . .	5,302	4,464	5,444	5,309	4,948	( <sup>2</sup> )	11.5	7.7	8.0	6.1	4.8	( <sup>2</sup> )
3 or 4 . . . . .	3,374	3,088	3,563	4,373	4,828	<sup>3</sup> 10,732	7.3	5.3	5.3	5.0	4.8	<sup>3</sup> 10.1
5 or more . . . . .	5,078	6,238	9,829	15,478	18,105	18,444	11.0	10.7	14.5	17.8	17.7	17.3
Mobile home or trailer . . . . .	315	767	2,073	4,416	7,400	7,072	0.7	1.3	3.1	5.1	7.2	6.6
Other . . . . .	(NA)	(NA)	(NA)	(NA)	1,121	(NA)	(NA)	(NA)	(NA)	(NA)	1.1	(NA)
<b>PLUMBING FACILITIES</b>												
All housing units <sup>1</sup> . . . . .	44,502	58,315	67,657	86,693	102,264	106,611	100.0	100.0	100.0	100.0	100.0	100.0
Complete plumbing facilities . . . . .	28,729	48,537	62,984	84,359	101,162	104,302	64.6	83.2	93.1	97.3	98.9	97.8
Lacking complete plumbing facilities . . . . .	15,773	9,778	4,672	2,334	1,102	1,854	35.4	16.8	6.9	2.7	1.1	1.7
Not reported . . . . .	1,481	(NA)	(NA)	(NA)	(NA)	(NA)	(X)	(NA)	(NA)	(NA)	(NA)	(NA)
<b>TELEPHONE IN HOUSING UNIT<sup>4</sup></b>												
Occupied housing units . . . . .	41,829	53,024	63,450	80,390	91,947	94,724	(NA)	100.0	100.0	100.0	100.0	100.0
With telephone . . . . .	(NA)	41,818	55,177	74,720	87,130	88,442	(NA)	78.5	87.0	92.9	94.8	93.4
No telephone . . . . .	(NA)	11,406	8,273	5,670	4,817	6,282	(NA)	21.5	13.0	7.1	5.2	6.6

NA Not available. X Not applicable. <sup>1</sup> Data for 1970 and 1980 are "Year-round housing units," which exclude seasonal and migratory vacant units. <sup>2</sup> Includes 1,588,902 units classified as "1 and 2 dwelling unit." <sup>3</sup> Structures with "2 units" included with units of "3 or 4." <sup>4</sup> Beginning 1980, data are not completely comparable with earlier years due to change in question asked. Source: U.S. Bureau of the Census, *1990 Census of Housing*, series CH-1, and earlier census reports; and *Current Housing Reports*, series H150/93, American Housing Survey in the United States.

**No. 1225. Occupied Housing Units—Tenure, by Race of Householder: 1920 to 1993**

[In thousands, except as indicated. As of April 1, except 1991, as of fall. Prior to 1960, excludes Alaska and Hawaii. Statistics on the number of occupied units are essentially comparable although identified by various terms. See also *Historical Statistics, Colonial Times to 1970*, series N 238-245]

RACE AND TENURE	1920	1930	1940	1950	1960	1970	1980	1990	1993
<b>ALL RACES</b>									
Occupied units, total . . . . .	24,352	29,905	34,855	42,826	53,024	63,445	80,390	91,947	94,724
Owner occupied . . . . .	11,114	14,280	15,196	23,560	32,797	39,886	51,795	59,025	61,252
Percent of occupied . . . . .	45.6	47.8	43.6	55.0	61.9	62.9	64.4	64.2	64.7
Renter occupied . . . . .	13,238	15,624	19,659	19,266	20,227	23,560	28,595	32,923	33,472
<b>WHITE</b>									
Occupied units, total . . . . .	21,826	26,983	31,561	39,044	47,880	56,806	68,810	76,890	80,029
Owner occupied . . . . .	10,511	13,544	14,418	22,241	30,823	37,005	46,671	52,433	54,878
Percent of occupied . . . . .	48.2	50.2	45.7	57.0	64.4	65.4	67.8	68.2	68.6
Renter occupied . . . . .	11,315	13,439	17,143	16,803	17,057	19,601	22,139	24,447	25,151
<b>BLACK AND OTHER</b>									
Occupied units, total . . . . .	2,526	2,922	3,293	3,783	5,144	6,839	11,580	15,067	14,695
Owner occupied . . . . .	603	737	778	1,319	1,974	2,881	5,124	6,592	6,374
Percent of occupied . . . . .	23.9	25.2	23.6	34.9	38.4	42.1	44.2	43.8	43.4
Renter occupied . . . . .	1,923	2,185	2,516	2,464	3,170	3,959	6,456	8,475	8,321

Source: U.S. Bureau of the Census, *Census of Housing: 1960*, vol. 1; 1970, vol. 1; 1980 *Census of Housing*, vol. 1, chapter A (HC80-1-A); and 1990 *Census of Housing, General Housing Characteristics*, series CH-90-1; 1993 data, *Current Housing Reports*, series H150/93, American Housing Survey in the United States.

**No. 1226. Occupied Housing Units—Tenure, by Race and Hispanic Origin of Householder: 1980 and 1990**

[As of April 1. Based on the Census of Population and Housing; see Appendix III]

RACE AND HISPANIC ORIGIN OF HOUSEHOLDER	ALL HOUSEHOLDS			OWNER OCCUPIED		PERCENT OWNER OCCUPIED		RENTER OCCUPIED	
	1980	1990	Percent change, 1980-1990	1980	1990	1980	1990	1980	1990
<b>Total units . . . . .</b>	<b>80,389,673</b>	<b>91,947,410</b>	<b>14.4</b>	<b>51,794,545</b>	<b>59,024,811</b>	<b>64.4</b>	<b>64.2</b>	<b>28,595,128</b>	<b>32,922,599</b>
White . . . . .	68,810,123	76,880,105	11.7	46,870,775	52,432,848	67.8	68.2	22,139,348	24,447,457
Black . . . . .	8,381,668	9,976,161	19.0	3,724,251	4,327,285	44.4	43.4	4,857,417	5,648,896
American Indian, Eskimo, or Aleut . . . . .	397,252	591,372	48.9	212,209	318,001	53.4	53.8	185,043	273,371
Asian or Pacific Islander . . . . .	993,458	2,013,735	102.7	521,230	1,050,182	52.5	52.2	472,228	963,553
Other race . . . . .	1,807,172	2,486,037	37.6	666,080	896,715	36.9	36.1	1,141,092	1,589,322
Hispanic origin <sup>1</sup> . . . . .	4,007,896	6,001,718	49.7	1,738,920	2,545,584	43.4	42.4	2,268,976	3,456,134

<sup>1</sup> Persons of Hispanic origin may be of any race.

U.S. Bureau of the Census, *1990 Census of Housing*, vol. 1, chapter A (HC80-1-A); and 1990 *Census of Housing, General Housing Characteristics*, series CH-90-1.

**Attachment C:  
Letter dated July 29, 1996  
from Members of the  
Congressional Black Caucus  
to Chairman Reed E. Hundt**

**EDOLPHUS "ED" TOWNE**

MEMBER OF CONGRESS  
10TH DISTRICT, NEW YORK

ENERGY AND COMMERCE  
HEALTH AND THE ENVIRONMENT  
CONSUMER PROTECTION  
AND COMPETITIVENESS

GOVERNMENT OPERATIONS

ENVIRONMENT, ENERGY AND  
NATURAL RESOURCES

TRANSPORTATION  
HUMAN RESOURCES AND  
INTERGOVERNMENTAL RELATIONS

## Congress of the United States

### House of Representatives

Washington, DC 20515-3210

July 29, 1996

Attachment C: page 1.

WASHINGTON OFFICE

Room 2232

RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3210  
(202) 225-6995

BROOKLYN OFFICE:

145 BRADDOCK ST. FLOOR  
BRADDOCK, NY 11205-4302  
(718) 387-6885

15 COURT ST. ROOM 1206  
BRADDOCK, NY 11247  
(718) 387-6018

The Honorable Reed E. Hundt  
Chairman, Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RE: IB Docket No. 95-59  
Presumption of Local Zoning Regulation of Satellite Earth  
Stations

Dear Chairman Hundt:

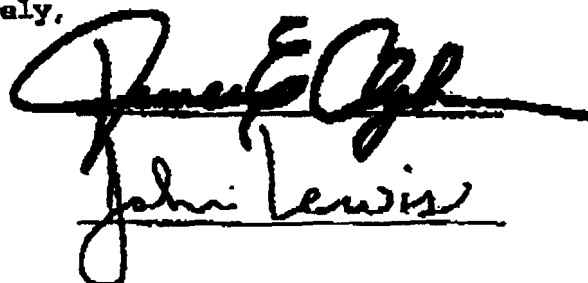
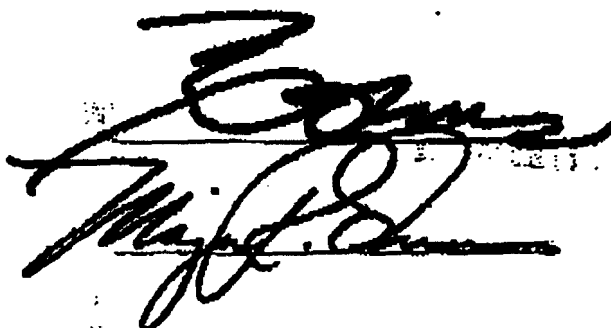
As members of the Congressional Black Caucus (CBC), we are writing to urge the Commission to implement Section 207 of the Telecommunications Act of 1996 with strong and unequivocal rules that will provide all Americans with the access to video programming services. It is our understanding that the commission is considering a proposal that would deny access to the millions of Americans that cannot afford to own their own homes. Such a proposal would create the ultimate "have" and "have not" situation by denying many American families access to important communications services based on their economic status. It would amount to government-sanctioned redlining in many low-income neighborhoods.

Congress enacted Section 207 to prohibit restrictions that impair a viewer's ability to use antennas to receive Direct Broadcast Satellite (DBS) services, over-the-air broadcasts, and wireless cable. Nothing in Section 207 or the legislative history of the Telecommunications Act makes any distinctions with regard to whether a viewer is a homeowner or not and Congress certainly did not intend for the Commission to create such a spurious and discriminatory judgement when it implements the statute.

We urge the Commission to reject this proposal and to preempt all private restrictions that deny a viewer's access to these services. That is the only way to fulfill Congress' intent to promote a policy of diversity and choice for consumers and competition in the video services marketplace.

Thank you for your consideration.

Sincerely,



Shirley Jackson  
Donald Wayne  
John [unclear]  
[unclear]  
Alice [unclear]

Earl Z Hilliard  
Billy [unclear]  
Bobby Scott  
Chas [unclear]  
Donald V. [unclear]

cc: Hon. James H. Quail  
Hon. Rachelle B. Chong  
Hon. Susan Ness

### Congressional Black Caucus Signatories

**Honorable:**

Edolphus Towns (NY)  
Major Owens (NY)  
Shelia Jackson Lee (TX)  
Donald Payne (NJ)  
Bernie Thompson (MS)  
William Jefferson (LA)  
Alcee Hastings (FL)

James Clyburn (SC)  
John Lewis (GA)  
Earl Hilliard (AL)  
Bobby Rush (IL)  
Bobby Scott (VA)  
Chaka Fattah (PA)  
Ronald Dellums (CA)